Corrected Minutes

North Central Regional Transit District

Board Meeting

Friday, December 19, 2008

1. CALL TO ORDER:

A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date at approximately 9:00 a.m. by Chairman Alfred Herrera at the Camel Rock Casino, Tesuque, New Mexico

a. PLEDGE OF ALLEGIANCE

b. MOMENT OF SILENCE

c. ROLL CALL

Roll call indicated the presence of a quorum as follows:

Members Present:

City of Española	Councilor Alfred Herrera, Chairman
Rio Arriba County	Commissioner Elias Coriz and Mr. Tomás Campos
Santa Fe County	Commissioner Harry Montoya and Mr. Jack Kolkmeyer
City of Santa Fe	Councilor Rosemary Romero and Mr. Jon Bulthuis
Taos County	Commissioner Charlie Gonzales and Mr. Sammy Pacheco
Pueblo of Pojoaque	Councilor Cameron Martínez
Los Alamos County	Councilor Robert Gibson, Mr. Anthony Mortillaro
Tesuque Pueblo	Gov. Charles Dorame and Larry Samuel
Santa Clara	Ms. Mary Lou Quintana
San Ildefonso	Raymond Martínez

Members Excused

Staff Members Present

Ms. Josette Lucero, Executive Director

Ms. Linda Trujillo, Regional Coordinator not here

Mr. Jack Valencia, Transit Project Manager

Mr. Ivan Guillen, Assistant Regional Coordinator

Ms. Resha Spero, Executive Assistant

Mr. Mark Basham, NCRTD Legal Counsel

Ms. Marjorie Kaplan, Financial Director

Others Present

Councilor Miguel Chávez, City of Santa Fe

Councilor Jim Hall, Los Alamos County

Ms. Mary Helen Follingstad, Santa Fe RPA

Mr. Andrew Jandáček, Santa Fe County

Mr. Alan Richardson, NMDOT

d. INTRODUCTIONS

All who were present introduced themselves to the group.

e. APPROVAL OF AGENDA

Councilor Romero moved to approve the agenda. Commissioner Gonzales seconded the motion. The motion passed by unanimous voice vote.

f. APPROVAL OF AMENDED OCTOBER 3, 2008 BOARD MEETING MINUTES

Mr. Mortillaro moved to approve the amended minutes of October 3, 2008. Ms. Quintana seconded the motion. The motion passed by unanimous voice vote, with Commissioner Montoya abstaining.

g. APPROVAL OF NOVEMBER 14, 2008 BOARD MEETING MINUTES

Commissioner Gonzales moved to approve the November 14, 2008 minutes with no corrections. Mr. Campos seconded the motion. The motion passed by unanimous voice vote.

h. PUBLIC COMMENTS REGARDING TRANSPORTATION ITEMS OR ISSUES

Mr. Richardson showed the Board a brochure with a map from the DOT that included transit and shuttle connections in Santa Fe.

Chairman Herrera asked, regarding the Rail Runner, if free rides were only for Santa Fe County residents. He said the Governor had mentioned Rio Arriba County, so he supposed it was not true.

Mr. Richardson said when they offered a new service into a community; they offered it free to that community. He offered to get more information about it.

Chairman Herrera welcomed Councilor Gibson

2. APPRECIATION AWARD: Councilor Miguel Chávez for Service as NCRTD Board Official and Board Director for the City of Santa Fe

Ms. Lucero invited Councilor Chávez to come to the podium for the award, which was a Nambe plaque. She shared the work he had done on the NCRTD Board.

Chairman Herrera added that it had been a pleasure having Councilor Chávez on the Board, and thanked him for his leadership.

Councilor Chávez thanked them for the award. He said it was an honor to be recognized in that way. He appreciated serving on the NCRTD. He noted this was the first RTD recognized by the State and they were blazing that trail. The strength of the RTD was in its members as it addressed the needs of their communities. He congratulated them and the effort they had put into it. He said he would continue to support Public Transportation.

3. ACTION AND/OR DISCUSSION ITEMS:

a. MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AND THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT: PREVIOUSLY TABLED ITEM.

Chairman Herrera introduced this item. He said Commissioner Montoya had asked that it be placed here to take it off the table for discussion.

Commissioner Montoya moved to remove it from the table. Councilor Romero seconded the motion. The motion passed by unanimous voice vote.

Commissioner Montoya explained why it was tabled at the previous meeting. He referred to the last sentence on the first paragraph of the second page. It was an addition that was not in any other MOA and had been added after discussion with RTD staff. They had anticipated voting on it prior to the election, but said that was why he had asked that it be tabled.

Commissioner Montoya moved to approve the resolution. Councilor Romero seconded the motion.

Discussion:

Mr. Basham explained they had the resolution adopted by the Board after approval by the Santa Fe County Commission. It had been passed by Santa Fe County Commission and this Board had a special meeting in Santa Fe, and had accepted those terms. At that time there had been no discussion about a separate MOA, and therefore he did not see a necessity for this. He thought it was redundant.

Ms. Lucero said the amendment was to place the authority in the RPA for distribution of the money. In the context of that discussion itself, she said the Commission had raised questions about the resolution. She said that was prior to the election. They addressed the concerns of the Board that there was not a single document to address the agreement between the Santa Fe County and RPA, including the use of the Santa Fe Trails transit. She said she had showed it to Mr. Basham, and said the Board of County Commissioners had approved it. This would show potential investors the unusual relationship for revenue bonds.

Councilor Romero added that in the last minutes, they had had a discussion about a retreat. There had been a little concern about the time issue, but she had assumed they would discuss it that day.

The MOA would allow them to have the relationship. It was an indicator of service through the MOA.

Commissioner Gonzales said he didn't understand the relationship with GRT and still not clear on the agreement. He asked if they were going to have an MOA with each City that joined.

Mr. Basham believed the agreement was not time-sensitive and did set a precedent. He thought it would be something to consider in a retreat.

Commissioner Gonzales said they were dancing around. The RTD would receive the money. He didn't know if the State had County monies to distribute or not. He asked if there was a penalty. He said he thought the 86% would go to Santa Fe County but he had questions about it.

Ms. Lucero agreed his math was correct.

Commissioner Gonzales said the Board could proceed down the line, but thought they should take it up in a retreat. He said Taos had asked another town about joining the RTD. They would want to have the tax too. He said he really thought it needed to be discussed in a retreat.

Commissioner Coríz thought the Board had bent over backwards to Santa Fe County and welcomed them back because the Board needed Santa Fe County. He felt that in the spirit of friendship, they had worked together. He thought that to bring an MOA from Española the following month would not be in the RTD's best interests. He was glad to see Commissioner Montoya back on the Board, but to keep doing one MOA at a time would erode the authority of the Board. They needed a resolution to deal with it but felt this meeting was not the time to decide on the MOA. He agreed it should be done at the retreat. It needed to be more research. He said it would set a precedent. He said the 86/14 distribution said a lot about what authority they had. It was more than he favored.

Councilor Gibson said what he was hearing was how the Board was structured with its member entities. It sounded like there had not been agreement yet. This was the first question to answer and he thought a retreat would be good for answering the question. He was not hearing that it had

to be done at this meeting and was glad of that. If the MOA structure was determined appropriate, then they should discuss it in detail.

Governor Dorame said he kept asking himself the question when the issue came up. The tribes were separate entities, and wanted to know how they worked into the relationship. He asked when the County made a decision, if they were making it for the Board. He didn't think so. He said they needed to discuss that at the retreat. They should spell out what the rights and responsibilities for each entity would be in order to see the whole picture.

Ms. Lucero said, in answer to Governor Dorame, the organization members paid a local match. She said there were three pueblos providing local match: Ohkay Owingeh, Santa Clara, and Tesuque. She said they had been working with Santa Clara, but they didn't have the money at that time. She added that they had been working with Pojoaque too.

Commissioner Gonzales quoted line four, item three on page two. He asked if the RPA fit under DOT authority.

Commissioner Montoya said they did not. He said the RPA had four County Commissioners and four City Councilors to provide connectivity. He said that body was responsible for making sure those services were in place. He said they would have separate discussions with the pueblos, and said the RPA would have representatives from the pueblos.

Commissioner Montoya said he thought Commissioner Coríz had missed the sentence that was crucial to it and requested by RPA staff. He said he felt that to not take action at that time would send the wrong message. He said it was time sensitive. He said they should have had it in place before the election. He said they needed to purchase equipment at some point and said it would allow them to go ahead and make the purchase. He said he didn't think it eroded any authority of the Board. He said the City attorney felt that the MOU had more teeth than a resolution.

He said it completed the circle of their relationship that began in August or September. It said what each of them was responsible for.

Chairman Herrera said his take on it was that it was more precedent setting and was a fundamental issue. He said he personally did not believe it was time-sensitive. He said if the money would flow in January he would agree, but said it would come in August or September. He said the Board was on record that 86% would flow. He said, as their Board expanded through more entities joining, ESP and RA had more vested interest. He said he really wanted their Board to take this as part of a retreat. He said he did not think it would negatively impact anything they were doing. He said he was not sure how soon it needed to flow. He said it was not anything against Santa Fe County. He still supported what they had done. He was committed to their membership, but said he personally could not support it until they had further discussion.

Commissioner Coríz said, to Commissioner Montoya, that he had stated earlier that there had been some discussion on some of the language of the MOA before even before he had come on the Board.

Commissioner Montoya said it was the language that he had discussed earlier, and said the last sentence of the first paragraph on page two was the only new sentence. He said all the rest was verbatim from the two previous resolutions approved.

Commissioner Coríz felt it was not the time to move on the MOA. He said Los Alamos had a different approach. He said they had worked hard with the County and the City, but the discussion needed to happen in a retreat.

Councilor Romero said there were a variety of relationships and MOAs, and said they were headed to a retreat to discuss them. In finding the mechanisms that worked they would find out how they were going to operate. They had resolutions and MOAs to clarify things between

Counties and Cities. MOAs were the mechanism to clarify the relationships, but a resolution would have no teeth. She said they had constituents looking to them for this and hoped they would have a variety of mechanisms. They needed to get through the issues productively. A two-day retreat would be important to get the discussions done.

Chairman Herrera clarified that the 30-day time frame had not been initiated by the RTD. Secondly, after looking at the resolutions, he noted that there were some differences. He said there was no 30-day time frame and the RPA was not there in this form. He said the reference to the City was not part of the resolution.

Commissioner Gonzales called for the question and the motion failed to pass by a voice vote.

Chairman Herrera asked for a roll call vote.

Mr. Valencia said there were 26 voting units present. He called the roll

City of Española (2 votes) voted no.

City of Santa Fe (5 votes) voted yes

Los Alamos County (3 votes) voted no

Rio Arriba County (4 votes) voted no

Pojoaque did not vote.

San Ildefonso (1 vote) voted no.

Ohkay Owingeh did not vote.

Santa Clara (1 vote) voted no.

Santa Fe County (5 votes) voted yes.

Tesuque (1 vote) voted yes

Taos County (4 votes) voted no

The result was 11 votes in favor and 15 votes against.

b. APPROVAL OF MEMORANDUM OF EXECUTIVE APPROVAL: SYSTEM SAFETY, SECURITY AND EMERGENCY PREPAREDNESS PLAN (SSEPP).

Mr. Guillen presented this resolution. He had a few copies of the plan. He explained what was in the packet was the memo that would be sent to all Staff regarding the plan. He said they would conduct training on the procedures to be used. The SSEPP outlined all the procedures. He said it outlined activities to take to prepare for any emergency event. He said it would be a living document, evolving over time as changes in policy were implemented. He invited questions.

Councilor Gibson moved to approve the SSEPP. Mr. Pacheco seconded the motion. The motion passed by unanimous voice vote.

c. APPROVAL OF NCRTD RESOLUTION 2008-15: THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT: TRANSIT OPERATING PROCEDURES FOR SAFETY AND SECURITY (TOPSS).

Mr. Guillen presented the resolution. He explained that the procedures were audited by Lazaro & Noel. Some portions followed the SSEPP that had just been approved. He said it involved driver training, vehicle inspection, pre and post checklists that would be used daily.

Mr. Coríz moved to approve the TOPSS. Councilor Gibson seconded the motion. The motion passed by unanimous voice vote.

d. APPROVAL OF NCRTD RESOLUTION 2008-16: A RESOLUTION EXTENDING RESOLUTION 2008-04: ELIMINATING FARES ON A TRIAL BASIS FOR ALL FIXED ROUTES AND PARATRANSIT UP TO THREE FOURTHS OF A MILE FROM FIXED ROUTES OPERATED BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT.

Mr. Guillen presented this item. He said Ms. Trujillo had worked hard to put them together, and said she was on vacation that week. He said the free fares had been adopted in May 2008. He said they had been quite successful in increasing ridership. The request was to extend free fares for another six months. He said they would save on Transit and spend on Fun. He explained the reasons for having free fares. He said Staff recommended the extension.

Mr. Mortillaro said it was the same process they had in place at that time. He asked how they determined the 3/4-mile.

Mr. Guillen said it used a map and the areas of demand response service.

Mr. Mortillaro said it was only 6 months. He asked how likely they were to return for another extension, or when they might request it for a longer period.

Ms. Lucero explained that six months would be at the time where GRT would kick in.

Mr. Pacheco asked if it would apply to Santa Fe Trails.

Ms. Lucero said it would not. She said it affected only the service provided directly by RTD. She said if the RPA contracted with All Aboard, it would be free.

Councilor Gibson moved to approve Resolution 2008-16. Mr. Campos seconded the motion. The motion passed by unanimous voice vote.

e. DISCUSSION OF LOCAL MATCHES.

Ms. Lucero noted that in 2007 the Board approved a resolution providing for a local match. Within it, she explained, the match needed to be paid by July 15th of the second year of membership. She said they had decided to give an update of the local matches due the previous July, where they had started service in October. She said they were running into a situation with Ohkay Owingeh. She said they had not received their local match. She said Santa Fe County had

not been a member at the time, but said she understood their check was in the mail. She said she was still working with San Ildefonso and Pojoaque.

Mr. Guillen said he had been in contact with Governor Salazar and Lieutenant Governor Abeyta as well as Rob Lieb at Ohkay Owingeh. He said they had discussed the need to collect the local match. He said Mr. Lieb had initiated the process to get the check to RTD. He said the accounting office had kicked it back for some reason. He said they had been asked to wait until the new administration came in and take it up with them. At that point, it was seven months late, and he said they were operating on last year's local match as carry over.

Chairman Herrera said they would like direction from the Board on how to proceed. He said they had a few choices. He said they could do nothing, they could cut off services to them as of the following day, or they could continue to work with them in hopes of resolving the issue with them. He pointed out that there were obviously people who relied on them.

Councilor Romero asked if they had a policy in place regarding this event such as cutting off services.

Ms. Lucero said the resolution said services would not be provided, but said they had continued to provide services with carry over funds. It applied to all members. She explained that to carry them to the end of the fiscal year would require the match. She said the representative had asked that they work with the new administration and that was also her suggestion.

Councilor Romero said it could work with any tribe and once new leadership was in place they should revisit the issue. A resolution could be put in place that way, and it could be done in February.

Chairman Herrera agreed. There was no resolution before them and they already had a resolution in place so the question was how to enforce that resolution. It had not been enforced before because there had been carry-over money to continue services to that time.

Ms. Lucero said the concern was that the whole match had to be in before getting the federal funds.

Mr. Basham directed the Board to Section 910 of the Bylaws, which had been amended to provide that a member could withdraw by the end of July but excluding a member required a 2/3 vote.

Ms. Lucero said the recommendation of staff was to work with each new administration.

Mr. Coríz asked if they had contacted the Governor of San Ildefonso directly. He said that sometimes worked best.

Chairman Herrera said that was a good point. He said he had not spoken to him personally, just the staff.

Commissioner Gonzales moved to authorize staff to continue to negotiate with Ohkay Owingeh and report back. Commissioner Montoya seconded the motion.

Governor Dorame wondered what had happened to the resolutions passed by the tribes to join the organization. There was one resolution to join and another based on local matches. He said it

seemed that the local match resolution had more power than the membership resolution. He thought they should look at that again.

Mr. Basham said the joining required a public hearing and a vote, and then the member would become bound by the By-laws and contract. He said it would require a 2/3 vote to exclude any member.

Governor Dorame said the resolution would have to be rescinded for them not to be a member. He said it was specific about governments joining the organization, and said the By-laws seemed to have more power than the resolution.

Chairman Herrera suggested they could ask Mr. Basham to work on that procedure. He felt it obviously needed to be worked on.

Ms. Lucero said the RTD had been asking for tribal transit members for three years. She said that year they could have members apply directly. She had been notified that day that Ohkay Owingeh had received $135,000. She said, through the RTD, they had included Tesuque, Pojoaque and Santa Clara for $250,000. She said it was in the Federal Register that day.

Ms. Quintana said Santa Clara had received $125,000.

The motion to authorize staff to continue to negotiate with Ohkay Owingeh passed by unanimous voice vote.

f. APPROVAL OF NCRTD RESOLUTION 2008-17: AUTHORIZING NCRTD EXECUTIVE STAFF TO SEEK CAPITAL OUTLAY AND 5309 FTA DISCRETIONARY FUNDING AT THE 2009 NEW MEXICO LEGISLATIVE SESSION.

Mr. Valencia presented the information regarding this resolution. NCRTD had received $700,000 for capital outlay and had spent all but $13,000. Now they were asking for $75,000 through each state legislator. The GRT would not happen until October, so they needed a bridge. They had also filed the 5309 request through the DOT for a $3 million facility in Española. He said they were working with Rio Arriba County, who had pledged the land.

Mr. Valencia said he had been working with all of their legislators. The LFC had held hearings in Santa Fe the previous day. He had hoped to have some of them there that day. He said they had received $50,000 for each representative and $75,000 for each senator.

Commissioner Montoya asked if there was anything to restrict staff from lobbying for any capital outlay from the State or Federal governments.

Ms. Lucero said there was. She read the restriction, and noted it was in the personnel manual. She said it included contributions to a candidate, tickets to fund raisers, etc.

Commissioner Montoya agreed but that did not say anything about lobbying. He asked if they needed to approve a resolution to allow staff to lobby on their behalf.

Chairman Herrera said the resolution was to determine what their request should be. He said it was their total legislative request.

Mr. Valencia explained how they would handle the support items regarding transportation funding. He explained that if any initiatives were to come about, staff would inform the Board, and added that Staff would secure comments by email.

Commissioner Montoya asked why they would have a resolution to specify this.

Chairman Herrera said he had actually thought they were going to have a specific amount in the resolution. He said the amount would be $1.2 million. He suggested they should include that somewhere in the resolution. He appreciated Commissioner Montoya's comment.

Mr. Valencia clarified it was $1.3 million for capital outlay, and $2.7 million for 5309. He suggested adding the specific amounts to the resolution.

Councilor Romero moved to approve Resolution 2008-17 as amended by Mr. Valencia to include $1.3 million for capital outlay and $2.7 million for 5309. Commissioner Montoya seconded the motion and it passed by unanimous voice vote.

g. APPROVAL OF NCRTD RESOLUTION 2008-18: OPEN MEETINGS ACT.

Ms. Lucero explained that the resolution was a standard resolution proposed each calendar year to establish the meeting schedule for 2009.

Mr. Campos moved to approve Resolution 2008-18. Commissioner Gonzales seconded the motion. The motion passed by unanimous voice vote.

h. DISCUSSION OF NCRTD 2007 ANNUAL REPORT.

This item was skipped.

i. APPROVAL OF REVISED LA-GRT DISTRIBUTION.

Ms. Lucero reported on this item. Ms. Spero handed out the report. Ms. Lucero explained she was working with Los Alamos County to redistribute the funds. She said the funding would start a new route from Española to Chimayo, and would hire a financial assistant for Ms. Kaplan. She said more money was needed for the Española administration building, and even more was needed so they could do more on outreach and marketing efforts. She explained that it was a total of $208,570. She said LA County had approved the request.

Chairman Herrera asked if there was any other comment from LA County. There was not. Chairman Herrera thanked them.

Mr. Campos moved to approve the revised LA-GRT distribution. Commissioner Gonzales seconded the motion.

Councilor Romero said he thought some of the numbers did not add up.

Ms. Kaplan explained there were two options for the route, and said they were recommending the first one.

The motion passed by unanimous voice vote.

j. APPROVAL TO HIRE NCRTD FINANCIAL ANALYST.

Ms. Lucero presented the request for the new position. She referenced the detailed justification for the position in the packet and recommended approval of the position.

Councilor Gibson moved to approve the hiring of an NCRTD Financial Analyst. Councilor Romero seconded the motion.

Councilor Romero asked if there were specific activities.

Ms. Kaplan explained that, as they got more complex, more tasks were arising. She hoped she could transfer her existing tasks to this new position and take on the new tasks as well. She said they had 80 funds to track at that time and also needed to upgrade their financial software, which could be very time-consuming. She said there would be a learning curve and she needed some time to train the new person.

Councilor Romero asked what program she was using.

Ms. Kaplan said she had been using QuickBooks with spreadsheets but they needed grant tracking software.

Councilor Romero said they absolutely needed such software. She asked that the staff report back on the software that was chosen for fund accounting. She understood the need. She said the motion would include an interim report to share what kinds of software had been investigated.

Ms. Kaplan said she had searched and MIP was currently her choice. She said she would be happy to discuss others.

Councilor Romero said her amendment was to report back in three months on the direction to be taken.

Chairman Herrera asked Mr. Campos if it was friendly. Mr. Campos agreed.

Commissioner Montoya asked how much they were approving for the position.

Ms. Kaplan directed the Board to the handout for the GRT redistribution. She said it showed $43,930 plus $18,451 fringe on the budget page.

Commissioner Montoya asked what would happen when the LA GRT was no longer available.

Ms. Kaplan said it would then come from GRT revenue.

Ms. Lucero agreed and added that both positions would be 32-hour positions.

Commissioner Montoya asked, regarding the costs outlined, if it required someone at that level or someone at a lesser level.

Ms. Lucero said she hoped they could recruit someone of the same caliber.

Commissioner Montoya asked if it could be contracted out or if they needed another employee.

Ms. Lucero said they thought it would be better to hire a staff person.

The motion passed by a 16-10 majority voice vote with Santa Fe County and the City of Santa Fe voice against.

k. ELECTION OF NCRTD SECRETARY/TREASURER

Chairman Herrera explained that Jim West was the Secretary/Treasurer and had to take a leave of absence, which meant they needed to elect a new Secretary/Treasurer.

Ms. Lucero shared the duties, and said they needed to designate a staff member to carry out day-to-day activities.

Commissioner Gonzales nominated Councilor Robert Gibson from Los Alamos because Los Alamos played such an import role in the RTD.

Chairman Herrera asked if there were others. He asked if Councilor Gibson's appointment would be temporary.

Councilor Gibson said they had new councilors taking office in January, and they would make assignments at that time so someone else could be appointed. He said that it might present a problem in continuity.

Chairman Herrera said they could always come back in a month if they needed to change it.

Councilor Gibson said he was willing to do it.

Commissioner Montoya moved that nominations cease and Councilor Gibson be elected by acclamation. The motion was seconded and passed by unanimous voice vote.

Chairman Herrera welcomed him as the Secretary/Treasurer.

Chairman Herrera noted there were some other reports as part of the packet.

l. FINANCIAL REPORT.

The report was contained in the packet.

m. EXECUTIVE DIRECTOR AND RIDERSHIP UPDATE.

The report was contained in the packet.

3. MISCELLANEOUS

Ms. Lucero said they had a Gift Exchange for those who brought gifts. She said they would have the legislative briefing during lunch.

4. NEXT BOARD MEETING: FRIDAY, JANUARY 9, 2009

Chairman Herrera noted that the next meeting on would be on January 9th location TBA. He wished everyone a joyous holiday.

5. ADJOURN

Governor Dorame moved to adjourn the meeting. Councilor Romero seconded the motion. The motion passed by unanimous voice vote, and the meeting was adjourned at 11:47 a.m.

Approved by:

_____

Councilor Alfred Herrera, NCRTD Chairman

Attest:

_____

Councilor Robert Gibson, NCRTD Secretary/Treasurer

Submitted by:

Carl Boaz, Stenographer